

REMARKS

Status of the Application

Claims 1-28 are the that claims have been examined in the present application. Claims 1-4, 22, and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bui et al. (U.S. Patent No. 6, 791,781). Claims 6-9 and 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Albrecht et al. (U.S. Patent No. 5,689,384). Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Fasen et al. (U.S. Patent No. 6, 031, 673). Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Murphy et al. (U.S. Patent No. 6,433,949). Claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Cates et al. (U.S. Patent No. 5,963,400). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable of Albrecht et al. in view of Cates et al. (U.S. Patent No. 5,963,400). Claims 20, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Hennecken et al. (U.S. Patent No. 6, 710, 967). Claims 21 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht et al. in view of Kosuge (U.S. Patent No. 5,353,176). Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht et al. and Kosuge as applied to claim 21 above, and further in view of Bui et al. (U.S. Patent No. 6,940,682). Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentalbe over Bui et al. in view of Fasen (U.S. Patent No. 6,563,659).

By this Amendment, Applicants are amending claims 1, 6, and 12, and are adding new claims 29-31.

Claim Rejections under 35 U.S.C. § 102

A. Claims 1-4, 22 and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bui et al. (U.S. Patent No. 6, 791,781).

The Examiner considered the arguments presented in the Amendment filed May 23, 2006, along with the Interview conducted on July 26, 2006, and has maintained the rejection of claim 1 over Bui. Specifically, the Examiner argues in the Response to arguments that claim 1 does not limit the servo signals to being written on only one band, as argued.

Amended claim 1 recites, “wherein reading the data enables a servo read head of the magnetic head to specify on which servo band the servo read head is currently positioned without referring to other servo bands.” Bui, col. 8, lines 21-22 discloses “two servo bands are used simultaneously to provide two sources of servo information for increased accuracy.” Bui further discloses, in col. 8, lines 23-29, discloses that “In reality, the format specifies six nominal servo positions within each servo band, and, in addition, the servo head is made up of two servo head elements to address a single servo band. This means that, using the two elements, the servo head is able to reposition within the servo band 430 for the six forward and reverse data wraps within each data band.”

Therefore, Bui et al. teaches positioning of the servo head within one servo band, but also teaches that identical servo information may be found in multiple servo bands. On the contrary, amended claim 1 recites “a plurality of servo bands on each of which is written a different servo signal.” Therefore, Bui cannot anticipate amended claim 1, as Bui teaches that multiple servo bands contain the same servo information. Further, Bui fails to teach that the servo head is

currently positioned without referring to other servo bands, because, as noted above, Bui uses two servo bands simultaneously to provide two sources of servo information for increased accuracy. Thus, claim 1 is patentable over the applied art.

Claims 2, 3, 22 and 25 are patentable at least by virtue of their dependency from claim 1.

Similar to Bui et al, Albrecht et al. merely discloses positioning of the servo read head within one servo band. We have amended claims 6 and 12 in a similar manner to claim 1. Amended claim 1, therefore, should be patentable over the applied art.

B. Claims 6-9 and 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Albrecht et al. (U.S. Patent No. 5,689,384).

Amended claim 6 recites, in part, “specifying the servo band where on which the servo read head is currently positioned without referring to other servo bands.” The Examiner alleges that Albrecht discloses all of the elements of claim 6, citing FIG. 2 and col. 5, line 41 to col. 6, line 18. Applicants respectfully disagree.

FIG. 2 of Albrecht shows a single servo head and a single servo band *for simplicity of illustration*. Albrecht actually discloses that most tape systems have multiple servo tracks, multiple servo read heads, and multiple data read and write heads. See col. 5, lines 52-56 of Albrecht. Therefore, similarly to Bui, Albrecht fails to teach or suggest specifying a *single* servo band containing the servo signal positions based on the data. Albrecht teaches that positioning of the servo read within one servo band, but uses *multiple* servo bands with identical servo data, and only shows a single band for simplicity of the illustration. Therefore, amended claim 6 is patentable over the applied art.

Further, in the present Office Action, the Examiner has not addressed Applicants' argument that Albrecht fails to teach "specifying the servo band where the servo signal based on the data" as recited in claim 6. MPEP §707.07(f) requires that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it." The Examiner has not properly responded to the arguments presented on pages 12-13 of the Amendment filed May 23, 2006 as to claim 6 because no answer to the substance of the argument regarding over-molding was presented in the present Office Action. Because those arguments remain unrebutted, claim 6 is allowable for this reason as well.

Claims 7-9 and 11 are patentable at least by virtue of their dependency from claim 6.

Amended claim 12 recites similar limitations to amended claim 6. Therefore, for reasons analogous to those presented with regard to amended claim 6, amended claim 12 should be patentable over the applied art.

Claim 13 is patentable at least by virtue of its dependency from claim 12.

Claim Rejections under 35 U.S.C. § 103

A. *Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Fasen et al. (U.S. Patent No. 6,031,673).*

Claims 17-19 are dependent from amended claim 1. Because Bui fails to disclose all of the elements of amended claim 1, and because Fasen fails to cure the defects noted in Bui with regard to amended claim 1, claims 17-19 are patentable at least by virtue of their dependency from amended claim 1.

AMENDMENT UNDER 37 C.F.R. §1.116

U.S. Application No. 10/823,675

Q80547

B. Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Murphy et al. (U.S. Patent No. 6,433,949).

Claims 14-16 are dependent from amended claim 1. Because Bui fails to disclose all of the elements of amended claim 1, and because Murphy fails to cure the defects noted in Bui with regard to amended claim 1, claims 14-16 are patentable at least by virtue of their dependency from claim 1.

C. Claims 5 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Cates et al. (U.S. Patent No. 5,963,400).

Claims 5 and 10 are dependent from amended claim 1 and 6, respectively. Because Bui fails to disclose all of the elements of amended claims 1 and 6, and because Cates fails to cure the defects noted in Bui with regard to amended claim 1, and by analogy, amended claim 6, claims 5 and 10 are patentable at least by virtue of their dependency from amended claims 1 and 6.

D. Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable of Albrecht et al. in view of Cates et al. (U.S. Patent No. 5,963,400).

Claim 10 is dependent from amended claim 6. Because Albrecht fails to disclose all of the elements of amended claim 6, and because Cates fails to cure the defects noted in Albrecht with regard to amended claim 6, claim 10 is patentable at least by virtue of its dependency from amended claim 1.

E. Claims 20, 27 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Hennecken et al. (U.S. Patent No. 6, 710, 967).

Claims 20, 27 and 28 are dependent from amended claim 1. Because Bui fails to disclose all of the elements of amended claim 1, and because Hennecken fails to cure the defects noted in Bui with regard to amended claim 1, claims 20, 27 and 28 are patentable at least by virtue of their dependency from amended claim 1.

F. Claims 21 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht et al. in view of Kosuge (U.S. Patent No. 5,353,176).

Claims 21 and 24 are dependent from amended claim 6. Because Albrecht fails to disclose all of the elements of amended claim 6, and because Kosuge fails to cure the defects noted in Albrecht with regard to amended claim 6, claims 21 and 24 are patentable at least by virtue of their dependency from amended claim 6.

G. Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht et al. and Kosuge as applied to claim 21 above, and further in view of Bui et al. (U.S. Patent No. 6,940,682).

Claim 23 is dependent from amended claim 6. Because Albrecht fails to disclose all of the elements of amended claim 6, and because Kosuge and Bui fail to cure the defects noted in Albrecht with regard to amended claim 6, claim 23 is patentable at least by virtue of its dependency from claim 6.

H. Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Fasen (U.S. Patent No. 6,563,659).

Claim 26 is dependent from amended claim 6. Because Albrecht fails to disclose all of the elements of amended claim 6, and because Fasen fails to cure the defects noted in Albrecht

with regard to amended claim 6, claim 26 is patentable at least by virtue of its dependency from claim 6.

New Claims

Claims 29-31 are dependent from claim 1, 6 and 12, respectively. Claims 29-31 are patentable at least by virtue of their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

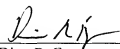
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER



Dion R. Ferguson
Registration No. 59,561

Date: November 13, 2006